

PATENT
454311-2200.1**REMARKS**

Reconsideration and withdrawal of the rejections of this application and consideration and entry of this paper are respectfully requested in view of the herein remarks, which place the application in condition for allowance. George Elliot and Examiner Baskar are thanked for the courtesies extended during the telephonic interviews. Specifically, Examiner Baskar courteously called after the filing of the Second Amendment After Final Action to advise that the undersigned inadvertently missed some of the helpful suggestions provided by George Elliot, and this paper is to include those suggestions.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Attached hereto is a marked up version of the changes made to the specification by this amendment. The attachment is captioned "**Version With Markings to Show Changes Made.**"

No new matter is added.

It is submitted that these claims as previously pending and the claims herewith are patentably distinct from the references cited by the Examiner, and that these claims are and were in full compliance with the requirements of 35 U.S.C. §112. The amendment to the claims and the remarks herein are not made for purposes of patentability within the meaning of 35 U.S.C. §§ 101, 102, 103 or 112; but rather the amendments and remarks are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Specifically, support for the amended recitations may be found throughout the specification, including at- pages 19 and 20 of the specification.

Since it is believed from the telephonic interviews with George Elliot and the Examiner that this paper overcomes all of the pending rejections, reconsideration and withdrawal of the Section 112 and Section 102 rejections of the Final Office Action are respectfully requested.

REQUEST FOR INTERVIEW

If any issue remains as an impediment to allowance, prior to any paper issuing other than a Notice of Allowance, another interview is respectfully requested and the Examiner is further respectfully requested to contact the undersigned to arrange a mutually convenient time and manner for the interview.

CONCLUSION

In view of the remarks and amendments herewith, the application is believed to be in condition for allowance.

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Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are earnestly solicited.

The undersigned looks forward to hearing favorably from the Examiner at an early date, and thanks her for the courtesies extended.

Respectfully submitted,

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454311-2200.1**APPENDIX: MARKED VERSION OF AMENDMENT**

It is respectfully requested that the application be amended without prejudice, without admission, without surrender of subject matter, and without any intention of creating any estoppel as to equivalents, as follows²:

IN THE CLAIMS

Please amend the claims, without prejudice, without admission, without surrender of subject matter, and without any intention of creating any estoppel as to equivalents, as follows:

1. (Not Amended; Indicated As Allowed) An isolated or purified nucleic acid molecule consisting of the nucleotide sequence set forth in Figure 1 (SEQ ID NO: 1).
5. (Thrice Amended; Indicated As Allowable If Amended As Herewith) A primer or probe which specifically hybridizes under high stringency conditions to the nucleic acid molecule of claim 1, wherein the primer or probe consists of [between 8 and] no more than 30 nucleotides.
6. (Twice Amended; Indicated as Allowable If Amended As Herewith) The primer or probe of claim 5 comprising OW-216 or OW-221 (SEQ ID NOS: 3, 6), wherein the primer or probe consists of [between 8 and] no more than 30 nucleotides.
24. (Not Amended; Indicated As Allowed) An isolated or purified nucleic acid molecule comprising the nucleotide sequence set forth in Figure 1 (SEQ ID NO: 1), and encoding a polypeptide having the enzymatic activity of *Candida albicans* Ess1 (CaEss1).
25. (Not Amended; Indicated As Allowed) An isolated or purified nucleic acid molecule consisting of a nucleotide sequence having at least 97% homology to the nucleotide sequence set forth in Figure 1 (SEQ ID NO: 1) and encoding a polypeptide having the enzymatic activity of CaEss1, wherein homology is calculated as $(N_{ref} - N_{dif}) * 100 / N_{ref}$, wherein N_{dif} is the total number of non-identical residues in the two sequences when aligned and wherein N_{ref} is the number of residues in one of the sequences.
26. (Not Amended; Indicated As Allowed) An isolated or purified nucleic acid molecule consisting essentially of a nucleotide sequence having at least 97% homology to the nucleotide sequence set forth in Figure 1 (SEQ ID NO: 1) and encoding a polypeptide having the enzymatic activity of CaEss1, wherein homology is calculated as $(N_{ref} - N_{dif}) * 100 / N_{ref}$, wherein

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N_{dif} is the total number of non-identical residues in the two sequences when aligned and wherein N_{ref} is the number of residues in one of the sequences.

28. (Not Amended; Indicated As Allowed) An isolated nucleic acid molecule consisting of OW-216 (SEQ ID NO: 3).

29. (Not Amended; Indicated As Allowed) An isolated nucleic acid molecule consisting of OW-221 (SEQ ID NO: 6).

30. (Twice Amended; Indicated As Allowable If Amended As Herewith) An isolated nucleic acid molecule consisting essentially of OW-216 (SEQ ID NO: 3), which specifically hybridizes under high stringency conditions to the nucleotide sequence set forth in Figure 1 (SEQ ID NO: 1), wherein the isolated nucleic acid molecule consists of [between 8 and] no more than 30 nucleotides.

31. (Twice Amended; Indicated As Allowable If Amended As Herewith) An isolated nucleic acid molecule consisting essentially of OW-221 (SEQ ID NO: 6), which specifically hybridizes to under high stringency conditions the nucleotide sequence set forth in Figure 1 (SEQ ID NO: 1), wherein the isolated nucleic acid molecule consists of [between 8 and] no more than 30 nucleotides.

34. (Not Amended; Indicated As Allowed) A vector comprising the nucleic acid molecule of claim 1, 24, 25, or 26.

Please cancel claims 3, 4, 23, 27, 32, 33 and 35-39, without prejudice, without admission, without surrender of subject matter, and without any intention of creating any estoppel as to equivalents, and especially without prejudice to pursuing these claims or claims otherwise subject to restriction, in one or more divisional or continuation applications.

² All claims now pending by this Amendment are set forth for convenient reference by the Examiner and to assist in printing. Where no amendment is desired, such is parenthetically indicated; and, the status of being allowed or allowable from the telephone conferences with George Elliot and the Examiner is also indicated parenthetically.

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